



17169
U.S. PTO

Case Docket No.: SCAN-1 CON

17510 U.S. PTO
10/812609



Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is the patent application of:

Inventor: Paul Re et al.
For: APPARATUS AND METHOD FOR THE REPAIR OF ARTICULAR CARTILAGE DEFECTS.

Enclosed are:

- ☒ 19 sheets of drawings.
- ☐ An assignment of the invention to: _____
- ☐ A verified statement to establish small entity status.
- ☒ REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION.

The filing fee has been calculated as shown below:

For:	No. Filed	No. Extra	Small Entity		Large Entity	
			Rate	Fee	Rate	Fee
Basic Fee				\$385.00		\$770.00
Total Claims	20 - 20	0	x \$ 9.00	\$0.00	x \$18.00	
Ind. Claims	4 - 3	1	x \$43.00	\$43.00	x \$ 86.00	
Mult. Claims			+ \$145.00		+ \$290.00	
Total				\$428.00		

- ☐ Please charge my Deposit Account No. 16-0221 to cover the filing fee and assignment recording fee. A duplicate copy of this sheet is enclosed.
- ☒ A check in the amount of \$ 428.00 to cover the filing fee (and assignment recording fee) is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.
 - ☒ Any additional filing fees required under 37 CFR 1.16.
 - ☒ Any patent application processing fees under 37 CFR 1.17.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.
 - ☒ Any patent application processing fees under 37 CFR 1.17.
 - ☐ The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).
 - ☒ Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,

Mark J. Pandiscio 3/30/04

Mark J. Pandiscio
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, Massachusetts 02154
Tel. (781) 290-0060

KK/SCAN1CON.FEE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)
CONTINUATION PATENT APPLICATION BASED ON
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Paul Re et al.
Serial No.: 10/261,899
Filing Date: 10/01/2002
Title: APPARATUS AND METHOD FOR THE REPAIR OF
ARTICULAR CARTILAGE DEFECTS
Group Art Unit: 3731
Examiner: Gary Jackson
Attorney's Docket No.: SCAN-1

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

FILING OF PATENT APPLICATION UNDER 37 CFR 1.10

The attached Rule 1.53(B) continuation application is being filed under the provisions of 37 CFR 1.10.

"EXPRESS MAIL" MAILING LABEL NUMBER ER304318490US

DATE OF DEPOSIT March 30, 2004

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO: COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450.

Mark J. Pandiscio

(PERSON MAILING)

Mark J. Pandiscio 3/30/04

(SIGNATURE)

Respectfully submitted,

Mark J. Pandiscio 3/30/04

Mark J. Pandiscio
Registration No. 30,883
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470 Totten Pond Road
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)
CONTINUATION PATENT APPLICATION BASED ON
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Paul Re et al.
Serial No.: 10/261,899
Filing Date: 10/01/2002
Title: APPARATUS AND METHOD FOR THE REPAIR OF
ARTICULAR CARTILAGE DEFECTS
Group Art Unit: 3731
Examiner: Gary Jackson
Attorney's Docket No.: SCAN-1

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION

This is a request for filing a continuation application, in accordance with Rule 1.53(B), of pending prior application Serial No. 10/261,899, filed 10/01/02 by Paul Re et al. for APPARATUS AND METHOD FOR THE REPAIR OF ARTICULAR CARTILAGE DEFECTS.

Submitted with this request are the following:

1. A true copy of said prior application Serial No. 10/261,899 (including specification, claims, drawings, and an unsigned Declaration and Power of Attorney) as originally filed;
2. A copy of (i) a NOTICE TO FILE MISSING PARTS OF APPLICATION - FILING DATE GRANTED, (ii) a RESPONSE TO OUTSTANDING NOTICE TO FILE MISSING PARTS OF APPLICATION - FILING DATE GRANTED, and (iii) a DECLARATION AND POWER OF ATTORNEY document listing the names of the inventors and signed by the inventors Paul Re, Mark A. Johanson, and Peter F. Marshall, specifically identifying the parent of this application by serial number and filing date;

SCAN-1 CON

3. An AFFIDAVIT by the undersigned attorney of record verifying that the enclosed copy of said pending prior application Serial No. 10/261,899 is a complete and true copy;

4. A PRELIMINARY AMENDMENT which amends the application to show that it is a continuation of parent application Serial No. 10/261,899, filed 10/01/02 by Paul Re et al. for APPARATUS AND METHOD FOR THE REPAIR OF ARTICULAR CARTILAGE DEFECTS; and

5. A mailing certificate indicating that this submittal is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on March 30, 2004 as provided for under 37 CFR 1.10.

The Power of Attorney in the pending prior application is to Pandiscio & Pandiscio, a firm composed of Nicholas A. Pandiscio, Registration No. 17293, Mark J. Pandiscio, Registration No. 30883, Scott R. Foster, Registration No. 20,570, and James A. Sheridan, Registration No. 43,114, or any of them, all of 470 Totten Pond Road, Waltham, MA 02451-1914 (Telephone No. 781-290-0060).

The inventor named in this continuation application is the same inventor named in the prior applications Serial No. 10/261,899.

The Commissioner is also authorized to prepare a certified copy of said prior copending application if the same is deemed to be necessary and to charge the cost of same to Deposit Account No. 16-0221.

A duplicate copy of this letter is enclosed for filing in said prior copending application.

All communications in this matter should be addressed to:

Mark J. Pandiscio
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, Massachusetts 02154.

Thank you.

Respectfully submitted,

Mark J. Pandiscio 3/30/04

Mark J. Pandiscio
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Waltham, MA 02451-1914
Tel (781) 290-0060
Fax (781) 290-4840

KK/SCAN1CON.REQ

SCAN-1 CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)
CONTINUATION PATENT APPLICATION BASED ON
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Paul Re et al.
Serial No.: 10/261,899
Filing Date: 10/01/2002
Title: APPARATUS AND METHOD FOR THE REPAIR OF
ARTICULAR CARTILAGE DEFECTS
Group Art Unit: 3731
Examiner: Gary Jackson
Attorney's Docket No.: SCAN-1

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUBMISSION OF FORMAL DRAWINGS

Enclosed herewith please find the formal drawings for the above-identified patent application, consisting of Figs. 1-24 on twenty (20) sheets of drawings.

In the event that any fee is required to be paid in connection with the present submission of formal drawings, please charge the cost of the same to Deposit Account No. 16-0221. A duplicate copy of this letter is enclosed for the convenience of the Patent and Trademark Office.

Thank you.

EXPRESS MAIL MAILING LABEL NUMBER ER304318490US

DATE OF DEPOSIT March 30, 2004

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE *EXPRESS MAIL POST OFFICE TO ADDRESSEE* SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO: COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450.

Mark J. Pandiscio

(PERSON MAILING)

Mark J. Pandiscio 3/30/04

(SIGNATURE)

Respectfully submitted,

Mark J. Pandiscio 3/30/04

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COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Paul Re et al.
Serial No.: 10/261,899
Filing Date: 10/01/2002
For: APPARATUS AND METHOD
FOR THE REPAIR
OF ARTICULAR
CARTILAGE DEFECTS
3732
Examiner: unknown
Attorney's Docket No.: SCAN-1

Group Art Unit No.:
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED
WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL
POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: ASSISTANT
COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON:

January 2, 2003

(DATE OF DEPOSIT)

Mark J. Pandiscio

(NAME OF ATTORNEY)

Mark J. Pandiscio 1/2/03
(SIGNATURE)

January 2, 2003

(DATE OF SIGNATURE)

RESPONSE TO OUTSTANDING NOTICE TO FILE
MISSING PARTS OF APPLICATION - FILING DATE GRANTED

In response to the outstanding NOTICE TO FILE MISSING PARTS
OF APPLICATION - FILING DATE GRANTED, Applicants hereby
respectfully submit the following:

(1) a DECLARATION AND POWER OF ATTORNEY document listing
the names of each of the inventors, specifically identifying the
application by serial number and filing date, and signed by the
inventors, Paul Re, Mark A. Johanson and Peter F. Marshall;

(2) a duplicate copy of the NOTICE TO FILE MISSING PARTS
OF APPLICATION - FILING DATE GRANTED, as requested in the
Notice; and

(3) one (1) check in the amount of \$65.00 to cover the
surcharge for the late filing of the Declaration, this charge
having been calculated on the basis of Small Entity status.

SCAN-1

In the event that any additional fees may be required to be paid in connection with this submission, please charge the same, or credit any overpayment, to Deposit Account No. 16-0221.

A duplicate copy of this RESPONSE TO OUTSTANDING NOTICE TO FILE MISSING PARTS OF APPLICATION - FILING DATE GRANTED is enclosed for the convenience of the Patent and Trademark Office.

Respectfully submitted,

Mark J. Pandiscio 1/2/03

Mark J. Pandiscio
Registration No. 30,883
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, MA 02451-1914
Tel. No. (781) 290-0060

KT/SCAN1.RES

SCAN-1



Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/261,899	10/01/2002	Paul Re	SCAN-1

Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, MA 02154

CONFIRMATION NO. 1300

FORMALITIES LETTER



OC00000009045681

Date Mailed: 11/01/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE